

**The following are the regulatory changes that were effective April 26, 2001.**

PART 362--VOLUNTARY POULTRY INSPECTION REGULATIONS

For the reasons stated in the preamble, FSIS is amending 9 CFR chapter III as follows:

1. The authority citation for part 362 is revised to read as follows:

Authority: 7 U.S.C. 1622; 7 CFR 2.18 (g) and (i) and 2.53.

2. Sections 362.1 and 362.2 are revised to read as follows:

§362.1 Definitions.

The definitions in §381.1 are incorporated in this part except for the definitions excluded in §362.2(a). In addition to those definitions, the following definitions will be applicable to the regulations in this part.

(a) Act. "Act" means the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.).

(b) Inspector. "Inspector" means any officer or employee of the Department authorized to perform any duties under the regulations in this part.

(c) Person. "Person" means any individual, corporation, company, association, firm, partnership, society, or joint stock company, or other organized business unit.

(d) Poultry. "Poultry" means any migratory water fowl or game bird, whether dead or alive.

(e) Poultry Product. "Poultry product" means any poultry carcass or part thereof; or any human food product which is made wholly or in part from the carcass of any domesticated bird (as defined in §381.1(b) of this chapter) and is excepted from the inspection requirements of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

#### §362.2 Types and availability of service.

Upon application, in accordance with §362.3, the following types of service may be furnished under the regulations in this part:

(a) Inspection service. An inspection and certification service for wholesomeness relating to the slaughter and processing of poultry and the processing of poultry products. All provisions of Part 381 and §§416.1 through 416.6 of this chapter shall apply to the slaughter of poultry, and the preparation, labeling, and certification of the poultry and poultry products processed under this poultry inspection service except for the

following provisions: the definitions of "Act," "animal food manufacturer," "Inspection Service," "inspector," "Inspector in Charge," "poultry," "poultry product," "poultry food product," "poultry products broker," "renderer," and "U.S. Refused Entry" in §§381.1 (b), 381.3 (a), 381.6, 381.10, 381.13-381.17, 381.21, 381.29, 381.39-381.42, 381.175 (a)(2), 381.175 (a) (3), 381.179, 381.185-381.187, 381.192, and 381.195-381.225.

(b) Export certification service. At the request of any person intending to export any slaughtered poultry or poultry product, inspectors may make certification regarding products for human food purposes, to be exported, as meeting conditions or standards that are not imposed or are in addition to those imposed by the regulations in this chapter and the laws under which such regulations were issued.

(c) Identification Service. (1) Poultry or other product that is federally inspected and passed at an official establishment, or upon importation, under the Poultry Products Inspection Act, is officially marked to identify it as federally inspected and passed. In order to facilitate the division of such poultry or other product into smaller portions or its combination into larger units and still maintain its identify as product which has been

federally inspected and passed and so marked, inspectors may supervise the handling and weighing of the product and mark such portions and units with the official mark of inspection when they determine that identify has been maintained.

(2) At the time service is furnished, product must be sound, wholesome, and fit for human food. The service will be available only on premises other than those of an official establishment. The sanitation of the place or area where service is furnished must comply with provisions of §§416.1 through 416.6 of this chapter.

(3) The mark of inspection shall be applied only under the immediate supervision of an inspector.

(4) This service does not cover further cutting and processing of products. These activities must take place at an official establishment.

(5) The registration and recordkeeping requirements enumerated in Part 381, subpart Q, of this chapter shall apply to persons requesting voluntary identification service under this paragraph (c).

PART 381--POULTRY PRODUCTS INSPECTION REGULATIONS

3. The authority citation for Part 381 continues to read as follows:

Authority: 7 U.S.C. 138f, 450; 21 USC 451-470; 7 CFR 2.18, 2.53.

4. Section 381.1 (b) is amended by revising the definition of poultry to read as follows:

Poultry. "Poultry" means any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs, also termed young flightless pigeons), whether live or dead.

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5. Amend §381.36 by revising the first sentence of paragraph (b) to read as follows:

§381.36 Facilities required.

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(b) Facilities for ante mortem inspection. A suspect pen is required for adequate ratite inspection.\*\*\*

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6. Amend §381.66 by revising the headings of paragraphs (b) and (c), and by revising paragraph (d)(1) to read as follows:

§381.66 Temperatures and chilling and freezing procedures.

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(b)General chilling requirements, except for ratites.

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(c)Ice and water chilling requirements, except for ratites.

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(d)(1)Moisture absorption and retention limits.

(1)Poultry washing, chilling, and draining practices and procedures shall be such as will minimize moisture absorption and retention at time of packaging. Ratites must meet the requirements of this paragraph but are exempt from the rest of §381.66(d).

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7. Amend §381.67, by revising the text preceding the table and the heading of the table, to read as follows:

§381.67 Young chicken and squab slaughter inspection rate maximums under traditional inspection procedure under traditional inspection procedure.

The maximum number of birds to be inspected by each inspector per minute under the traditional inspection procedure for the different young chicken and squab slaughter line configurations are specified in the following table. These maximum rates will not be exceeded.

The inspector in charge will be responsible for reducing production line rates where in the inspector's judgment the prescribed inspection procedure cannot be adequately performed within the time available, either because the birds are not presented by the official establishment in such a manner that the carcasses, including both internal and external surfaces and all organs, are readily accessible for inspection, or because the health conditions of a particular flock dictate a need for a more extended inspection procedure. The standards in 381.170(a) of this part specify which classes of birds constitute young chickens and squabs. Section 381.76(b) specifies when either the traditional inspection procedure or the modified traditional inspection procedure can or must be used.

MAXIMUM PRODUCTION LINE RATES-YOUNG CHICKENS AND SQUABS-  
TRADITIONAL INSPECTION PROCEDURES

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8. Amend §381.70 by designating the text as paragraph (a) and by adding paragraph (b) to read as follows:

§381.70 Ante mortem inspection; when required; extent.

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(b) The examination and inspection of ratites will be on the day of slaughter, except:

(1) When it is necessary for humane reasons to slaughter an injured animal at night or on a Sunday or holiday, and the FSIS veterinary medical officer cannot be obtained; or

(2) In low volume establishments, when ante mortem inspection cannot be done on the day of slaughter, and the birds to be slaughtered have received ante mortem inspection in the last 24 hours, provided the establishment has an identification and control system over birds that have received ante mortem inspection.

9. Amend §381.71 by designating the text as paragraph (a) and by adding paragraphs (b), (c), (d), (e), and (f) to read as follows:

§381.71 Condemnation on ante mortem inspection.

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(b) Dead-on-arrival ratite carcasses and ratites condemned on ante mortem inspection will be tagged "U.S. Condemned" by an establishment employee under FSIS supervision and disposed of by one of the methods prescribed in §381.95.

(c) All seriously crippled ratites and non-ambulatory ratites, commonly termed "downers," shall be identified as "U.S. Suspects."

(d) Ratites exhibiting signs of drug or chemical poisoning shall be withheld from slaughter.

(e) Ratites identified as "U.S. Suspects" or "U.S. Condemned" may be set aside for treatment. The "U.S. Suspect" or "U.S. Condemned" identification device will be removed by an establishment employee under FSIS supervision following treatment if the bird is found to be free of disease. Such a bird found to have recovered from the condition for which it was treated may be released for slaughter or for purposes other than slaughter, provided that in the latter instance permission is first obtained from the local, State, or Federal sanitary official having jurisdiction over movement of such birds.

(f) When it is necessary for humane reasons to slaughter an injured ratite at night or Sunday or a holiday, and the Agency veterinary medical officer cannot be obtained, the carcass and all parts shall be kept for inspection, with the head and all viscera except the gastrointestinal tract held by the natural attachment. If all parts are not so kept for inspection, the carcass shall be condemned. If on inspection of a carcass slaughtered in the absence of an inspector, any lesion or other evidence is found indicating that the bird was sick or diseased, or affected with any other condition requiring condemnation of

the animal on ante mortem inspection, or if there is lacking evidence of the condition that rendered emergency slaughter necessary, the carcass shall be condemned. Ratites that are sick, dying, or that have been treated with a drug or chemical and presented for slaughter before the required withdrawal period, are not covered by emergency slaughter provisions.

10. Revise §381.72 to read as follows:

§381.72 Segregation of suspects on ante mortem inspection.

(a) All birds, except ratites, that on ante mortem inspection do not plainly show, but are suspected of being affected with, any disease or condition that under §§381.80 to 381.93 of this Part may cause condemnation in whole or in part on post mortem inspection, shall be segregated from the other poultry and held for separate slaughter, evisceration, and post mortem inspection. The inspector shall be notified when such segregated lots are presented for post mortem inspection, and inspection of such birds shall be conducted separately. Such procedure for the correlation of ante mortem and post mortem findings by the inspector, as may be prescribed or approved by the Administrator, shall be carried out.

(b) All ratites showing symptoms of disease will be segregated, individually tagged as "U.S. Suspects" by establishment personnel under FSIS supervision with a serially numbered metal or plastic leg band or tag bearing the term "U.S. Suspect," and held for further examination by an FSIS veterinarian. Depending upon the findings of the veterinarian's examination, these birds will either be passed for regular slaughter, slaughtered as suspects, withheld from slaughter, or condemned on ante mortem. Those ratites affected with conditions that would be readily detected on post mortem inspection need not be individually tagged on ante mortem inspection with the "U.S. Suspect" tag provided that such ratites are segregated and otherwise handled as "U.S. Suspects." All ratites identified as "U.S. Condemned" shall be tagged by establishment personnel, under FSIS supervision, with a serially numbered metal or plastic leg band or tag bearing the term "U.S. Condemned."

11. Amend §381.76 by revising the introductory text of paragraph (b) (1) to read as follows:

§381.76 Post-mortem inspection, when required; extent; traditional, Streamlined Inspection System (SIS), New Line Speed (NELS) Inspection System and the New Turkey Inspection (NTI) System; rate of inspection.

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(b)(1) There are five systems of post-mortem inspection: Streamlined Inspection System (SIS) and the New Line Speed (NELS) Inspection System, both of which shall be used only for broilers and cornish game hens; the New Turkey Inspection (NTI) System, which shall be used only for turkeys; Traditional Inspection; and Ratite Inspection.

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12. Revise §381.96 to read as follows:

§381.96 Wording and form of the official inspection legend. Except as otherwise provided in this subpart, the official inspection legend required to be used with respect to inspected and passed poultry products shall include wording as follows: "Inspected for wholesomeness by U.S. Department of Agriculture." This wording shall be contained within a circle. The form and arrangement of such wording shall be exactly as indicated in the example in Figure 1, except that the appropriate official establishment number shall be shown, and if the establishment number appears elsewhere on the labeling material in the manner prescribed in

§381.123(b), it may be omitted from the inspection mark. The administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The official inspection legend, or the approved abbreviation thereof, shall be printed on consumer packages and other immediate containers of inspected and passed poultry products, or on labels to be securely affixed to such containers of such products and may be printed or stenciled thereon, but shall not be applied by rubber stamping. When applied by a stencil, the legend shall not be less than 4 inches in diameter. An official brand must be applied to inspected and passed carcasses and parts of ratites that are shipped unpacked.

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